

Memo to: House Local Government Committee  
From: Roger W. De Haan, P.E., Member Ravalli Co. Health Board  
Re: SB 191  
Date: March 14, 2011

Please consider these comments as you consider SB 191, and include them in your record:

I strongly support this bill and encourage you to do the same. In my role on the County Health Board and as an engineering consultant for on-site systems for over 30 years, I can see a big advantage to having a rule like this in place.

It can be argued that even now, anyone buying property can ask for any information they want before closing a deal, and it is true that banks and mortgage companies are becoming a lot more savvy in asking about details on the septic system. However, there is still a long way to go. More than ignorance about septic systems, there is almost a purposeful ignoring of the issue. I can't explain what happens, but otherwise intelligent people seem to have an aversion to understanding what's happening after they flush.

This bill can be a "win-win" for all parties involved. Because it is just a disclosure, it does not force anyone to spend money on a new system, although it is likely that a willing buyer will want a modern and functioning system for their new house. It also protects the realtor in that buyers will have a harder time coming back a few months after the sale to complain that he was sold a malfunctioning tank without his knowledge.

The rule would encourage people to be aware of their systems and to keep their permits and paperwork up to date. In by far the majority of situations, the disclosure will be as simple as having the county permit that shows the size and location of the system, and having a septic pumper clean out the tank and issue a certificate.

The other hidden advantage, that I appreciate as a health board member, is it will put people on notice that they cannot get away with an unpermitted system, as they will need the permit at the time of sale. Besides completely unpermitted systems, we also experience quite a bit of unauthorized house expansion - where a house is originally permitted for 2 or 3 bedrooms, but winds up being 4 or 5 bedrooms several years later. Although this is a violation of current laws, it is very difficult to keep track of. SB191 would be just one more incentive for people to do the right thing, knowing at the time of sale it will all come out into the open.

If you have any questions, I would be happy to talk about it. Email me at [rogerwdehaan@yahoo.com](mailto:rogerwdehaan@yahoo.com) or call me at 961-3953. Thank you.

Roger W. De Haan, P.E., Pinnacle Engineering Consulting Engineers,  
1489 Meridian Road, Victor, Montana 59875